

EXHIBIT H

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SITEONE LANDSCAPE SUPPLY, LLC,

Plaintiff,

-against-

NICHOLAS GIORDANO; DOMINICK CAROLEO;
VICTOR CAROLEO; NARROW WAY REALTY,
LTD.; NARROW WAY 2 LLC; THE GARDEN
DEPT. CORP.; GROUP 5 ASSOCIATES, LTD.; 3670
ROUTE 112 LLC; 9 4TH ST. LLC; SCAPES SUPPLY,
LLC; NEWAY MANAGEMENT, LLC; AND
NEWAY TRUCKING,

Defendants.

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Case No.: 2:23-cv-02084-GRB-SIL

**JANET DAMIANO’S RESPONSES
AND OBJECTIONS TO
PLAINTIFF’S SUBPOENA TO
PRODUCE DOCUMENTS,
INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF
PREMISES IN A CIVIL ACTION**

Janet Damiano (“Janet”), by and through her attorneys, Milman Labuda Law Group PLLC, hereby responds to plaintiff SiteOne Landscape Supply, LLC’s (“SiteOne” or “Plaintiff”) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (the “Subpoena”) as follows:

GENERAL STATEMENT AND OBJECTIONS

Janet’s responses are subject to the General Objections set forth below, each of which is incorporated by reference into the responses to each Request. These limitations and objections form a part of the response to each and every Request for documents and are set forth herein to avoid the duplication and repetition of restating them for each response. Although these General Objections may be specifically referred to in a response to certain Requests for the purpose of clarity, the failure to specifically incorporate a general objection should not be construed as a waiver of same. In addition, the production of information encompassed within Janet’s General Objections shall not be deemed a waiver of these objections.

1. Janet objects to those portions of each Request which purport to impose upon Janet a burden of production beyond that required by the Federal Rules of Civil Procedure (“FRCP”).
2. Janet objects to each Request to the extent it seeks information or documents not in her possession, custody, or control.

REQUESTS AND RESPONSES

DOCUMENT REQUEST I:

Produce all documents containing any Garden Department financial or customer data or information.

RESPONSE TO DOCUMENT REQUEST I:

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the general and specific objections, Janet does not have possession, custody, or control of any documents responsive to this Request.

DOCUMENT REQUEST II:

Produce all documents containing any SiteOne financial or customer data or information.

RESPONSE TO DOCUMENT REQUEST II:

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Janet further objects to this Request to the extent that it seeks data or information already in the possession of SiteOne.

DOCUMENT REQUEST III

Produce all documents relating to commercial properties owned by Dominick “Don” Caroleo, Victor “Vic” Caroleo, or Nicholas “Nick” Giordano, or any entity owned or controlled by those individuals, and the leases thereto.

RESPONSE TO DOCUMENT REQUEST III:

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Janet further objects to this Request to the extent that it seeks data or information already in the possession of SiteOne.

DOCUMENT REQUEST IV:

To the extent not produced in response to the above requests, produce all files, documents, and communications (whether physical or electronically stored) relating to the following topics:

DOCUMENT REQUEST IV(1):

This lawsuit or the allegations in the Amended Complaint (a copy of which being enclosed with this subpoena.

RESPONSE TO DOCUMENT REQUEST IV(1):

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. For instance, this Request presumes to require Janet to go through years and years of texts and emails to and from multiple Defendants in this case, some of whom Janet may have communicated with via text or email quite frequently. What is more, any communications between Janet and any of the Defendants in this case would have minimal, if any, relevance to this case. Therefore, this Request is not at all proportional to the needs of this case. Janet further objects to this Request to the extent that it seeks data or information already in the possession of SiteOne.

DOCUMENT REQUEST IV(2):

All work you performed for The Garden Department from January 1, 2020 to the present.

RESPONSE TO DOCUMENT REQUEST IV(2):

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the general and specific objections, Janet does not have possession, custody, or control of any documents responsive to this Request.

DOCUMENT REQUEST IV(3):

All work you performed for SiteOne from January 1, 2020 to the present.

RESPONSE TO DOCUMENT REQUEST IV(3):

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Janet further objects to this Request to the extent that it seeks data or information already in the possession of SiteOne. Subject to and without waiving the general and specific objections, Janet does not have possession, custody, or control of any documents responsive to this Request.

DOCUMENT REQUEST IV(4):

All work you performed for Dominick “Don” Caroleo from January 1, 2020 to the present.

RESPONSE TO DOCUMENT REQUEST IV(4):

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the general and specific objections, Janet does not have possession, custody, or control of any documents responsive to this Request.

DOCUMENT REQUEST IV(5):

All work you performed for Victor “Vic” Caroleo from January 1, 2020 to the present.

RESPONSE TO DOCUMENT REQUEST IV(5):

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the general and specific objections, Janet does not have possession, custody, or control of any documents responsive to this Request.

DOCUMENT REQUEST IV(6):

All work you performed for Nicholas “Nick” Giordano from January 1, 2020 to the present.

RESPONSE TO DOCUMENT REQUEST IV(6):

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the general and specific objections, Janet does not have possession, custody, or control of any documents responsive to this Request.

DOCUMENT REQUEST IV(7):

All work you performed for Scapes Supply from January 1, 2023 to the present.

RESPONSE TO DOCUMENT REQUEST IV(7):

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the general and specific objections, Janet does not have possession, custody, or control of any documents responsive to this Request.

DOCUMENT REQUEST IV(8):

All work you performed for every other named Defendant in this lawsuit.

RESPONSE TO DOCUMENT REQUEST IV(8):

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. For instance, this Request presume to require Janet to go through years and years of texts and emails to and from multiple Defendants in this case, some of whom Janet may have communicated

with via text or email quite frequently. What is more, any communications between Janet and any of the Defendants in this case would have minimal, if any, relevance to this case. Therefore, this Request is not at all proportional to the needs of this case. Janet further objects to this Request to the extent that it seeks data or information already in the possession of SiteOne.

DOCUMENT REQUEST IV(9):

All work you performed relating to any property located on Horseblock Road.

RESPONSE TO DOCUMENT REQUEST IV(9):

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the general and specific objections, Janet does not have possession, custody, or control of any documents responsive to this Request.

DOCUMENT REQUEST IV(10):

All work you performed for Don Caroleo Ventures, LLC.

RESPONSE TO DOCUMENT REQUEST IV(10):

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the general and specific objections, Janet does not have possession, custody, or control of any documents responsive to this Request.

DOCUMENT REQUEST IV(11):

All work you performed for Horseblock Road, LLC.

RESPONSE TO DOCUMENT REQUEST IV(11):

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the general and specific objections, Janet does not have possession, custody, or control of any documents responsive to this Request.

DOCUMENT REQUEST IV(12):

All work you performed for any other corporate entity owned or controlled by Vic or Don Caroleo or Nick Giordano not otherwise named herein.

RESPONSE TO DOCUMENT REQUEST IV(12):

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence Subject to and without waiving the general and specific objections, Janet does not have possession, custody, or control of any documents responsive to this Request.

DOCUMENT REQUEST IV(13):

The make, model, and location of all computers used by you to perform work on behalf of The Garden Department and SiteOne, specifically including all computers used by you for such work during the time period of October 1, 2022 to April 1, 2023.

RESPONSE TO DOCUMENT REQUEST IV(13):

Janet objects to this Request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not relevant to any claim or defense or proportional to the needs of the case, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the general and specific objections, Janet does not have possession, custody, or control of any documents responsive to this Request.

Dated: October 3, 2024

MILMAN LABUDA LAW GROUP PLLC

By: /s/ Colleen O'Neil

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